

REMARKS

I. Introduction

Claims 16, and 19 to 31 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 16, and 19 to 21 under 35 U.S.C. § 103(a)

Claims 16, and 19 to 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Shen et al. (U.S. Patent No. 5,437,413) and Pontoppidan (U.S. Patent No. 6,267,307). It is respectfully submitted that the combination of Shen et al. and Pontoppidan does not render unpatentable the present claims for at least the following reasons.

As an initial matter, U.S. Patent No. 6,267,307 does not constitute prior art against the present application. In this regard, U.S. Patent No. 6,267,307 issued on July 31, 2001 and is stated on its face to have a § 102(e) date of June 8, 2000. The present application is the national stage of PCT/DE00/02043, having an international filing date of June 30, 2000, claims priority to German Application No. 199 30 637.0, filed on July 2, 1999, and claims priority to German Application No. 199 51 014.8, filed on October 22, 1999. A claim of priority was made, *inter alia*, in the Declaration and Power of Attorney, and the Office has acknowledged receipt of the certified copies of the priority documents. Certified English-language translations of the foregoing priority documents are submitted herewith. As such, U.S. Patent No. 6,267,307 does not constitute prior art against the present application. Withdrawal of this rejection is therefore respectfully requested.

Notwithstanding the foregoing, it is respectfully submitted that the present rejection should be withdrawn for the following additional reasons.

Claim 16, as presented, recites a fuel injector including, *inter alia*, a downstream valve end including an outlet component and a fuel outlet, in which the outlet component including the at least one discharge orifice is permanently joined to the fixed valve seat element, and in which the discharge orifice ends in an outlet area configured as a convexly-arched spray-discharge region that extends beyond the outlet component in a downstream direction, the outlet area being a most downstream portion of the downstream valve end. Support for the amendments may be found, e.g., in Figure 5 of the present application.

In contrast to the above-recited features of claim 16, as presented, absolutely nothing in Shen et al. or Pontoppidan discloses, or even suggests, the features of the outlet component including the at least one discharge orifice is permanently joined to the fixed valve seat element, and the discharge orifice ends in an outlet area configured as a convexly-arched spray-discharge region that extends beyond the outlet component in a downstream direction, the outlet area being a most downstream portion of the downstream valve end. Nowhere do Shen et al. disclose, or even suggest, these individual features, as recited in claim 16. Shen et al. merely indicate an orifice member (34) held in place by metal retainer member (36). Further, Shen et al. indicate end wall (58) of shroud (52), inserts (54), and metal retainer member (36) all situated and extending downstream of the orifice member (34). Thus, Shen et al. do not disclose, or even suggest, all the above-recited features of claim 16. In addition, Pontoppidan merely indicates a throttle (9) and end bead (6) of an injector tip (5). Thus, Pontoppidan clearly does not disclose, or even suggest, anything regarding the above-recited features of claim 16.

For at least the foregoing reasons, claim 16 and its dependent claims 19 to 21 are not rendered unpatentable by the combination of Shen et al. and Pontoppidan.

Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 22 to 25 under 35 U.S.C. § 103(a)

Claims 22 to 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Shen et al., Pontoppidan, and Fedorovich et al. (Soviet Union Published Patent Application No. 775364B). It is respectfully submitted that the combination of Shen et al., Pontoppidan, and Fedorovich et al. does not render unpatentable the present claims for at least the following reasons.

Claims 22 to 25 ultimately depend from claim 16. In this regard, Fedorovich et al. merely relate to coating, and Fedorovich et al. clearly do not cure the deficiencies of the combination of Shen et al. and Pontoppidan as applied against claim 16. Accordingly, it is respectfully submitted that the combination of Shen et al., Pontoppidan, and Fedorovich et al. does not render unpatentable claims 22 to 25 for at least the foregoing reasons.

IV. Rejection of Claims 26 to 31 under 35 U.S.C. § 103(a)

Claims 26 to 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Shen et al., Pontoppidan, Reiter (U.S. Patent No. 6,494,389), and Wakeman (U.S. Patent No. 5,307,997). It is respectfully submitted that the combination of

Shen et al., Pontoppidan, Reiter, and Wakeman does not render unpatentable the present claims for at least the following reasons.

As an initial matter, U.S. Patent No. 6,494,389 does not constitute prior art against the present application. In this regard, U.S. Patent No. 6,494,389 issued on December 17, 2002 and is stated on its face to have a § 371(c)(1),(2),(4) date of June 15, 2001. The present application is the national stage of PCT/DE00/02043, having an international filing date of June 30, 2000, claims priority to German Application No. 199 30 637.0, filed on July 2, 1999, and claims priority to German Application No. 199 51 014.8, filed on October 22, 1999. A claim of priority was made, *inter alia*, in the Declaration and Power of Attorney, and the Office has acknowledged receipt of the certified copies of the priority documents. As mentioned above, certified English-language translations of the priority documents are submitted herewith. As such, U.S. Patent No. 6,494,389 does not constitute prior art against the present application. Withdrawal of this rejection is therefore respectfully requested.

Further, with respect to Wakeman, claims 26 to 31 ultimately depend from claim 16. In this regard, Wakeman merely relates to swirl passages, and Wakeman clearly does not cure the deficiencies of the combination of Shen et al. and Pontoppidan as applied against claim 16. Accordingly, it is respectfully submitted that the combination of Shen et al., Pontoppidan, and Wakeman does not render unpatentable claims 26 to 31 for at least the foregoing reasons.

V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims 16, and 19 to 31 are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: July 2, 2008

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